

NEIGHBORHOOD PLAN AMENDMENT & ZONING CHANGE REVIEW SHEET

NEIGHBORHOOD PLAN
AMENDMENT: NPA-07-0008.01

PC DATE: June 26, 2007
COUNCIL DATE: July 26, 2007

ZONING CASE: C14-2007-0041

ADDRESS: 1187, 1187 ½, 1189, 1191, 1195 Hargrave Street, 0 McLean Street (1.07 acres and 0.79 acres, Owen Tract, and 0 Wheat Avenue (0.95 acres, Owen Tract).

OWNER: Hargrave Development (Jason Reese)

AGENT: Alice Glasco Consulting
(Alice Glasco)

PLAN AMENDMENTS REQUESTED & STAFF RECOMMENDATION:

FUTURE LAND USE MAP (FLUM) CHANGES REQUESTED BY APPLICANT		STAFF RECOMMENDATION	
FROM:	TO:	TO:	Area:
Tract 1 [No Plan Amendment Required; FLUM designation is Mixed- Use]	[No Plan Amendment Required; FLUM designation is Mixed- Use]	[No Plan Amendment Required; FLUM designation is Mixed-Use]	1.21 acres
Tract 2 Single-Family	Mixed-Use	Neighborhood Mixed-Use	0.39 acres
Tract 3 Single-Family	Mixed-Use	Neighborhood Mixed-Use	1.07 acres
Tract 4 Single-Family	High-Density Single- Family	High-Density Single-Family	0.79 acres
Total:			3.46 acres

Therefore, the Applicant's request and the Staff recommendation differ for Tracts 2 and 3, in that the Applicant is requesting the Mixed Use designation which allows for CS uses and development standards, whereas the Staff recommends the Neighborhood Mixed-Use designation which permits LR uses and development standards.

Neighborhood Mixed-Use – Please refer to the back-up material for a detailed explanation of the Neighborhood Mixed-use category.

- Make conditional the same uses on Tract 1, 2, and 3 that are conditional under the neighborhood plan today, which are
 - Automotive sales
 - Guidance services
 - Kennels
 - Outdoor sports and recreation
 - Exterminating services
 - Hotel-motel
 - Monument retail sales
 - Residential treatment

The Staff supports a portion of the applicant's rezoning request, including the proposed conditional overlay, except that for Tracts 2 and 3, the Staff recommends LR-MU-CO-NP. (Under the Staff's recommendation, the 50-foot height limit for Tracts 2 and 3 is not necessary since the maximum height permitted in LR is 40 feet or three stories.)

PLANNING COMMISSION RECOMMENDATION ON PLAN AMENDMENT & REZONING:

June 26, 2007: Approved the applicant's request with the following additional conditions:

- Provide 25-foot landscape/vegetative buffer along the southern boundary of Tracts 2, 3, and 4
- While prohibiting vehicular access, except for emergency access, to Bedford Street, provide bicycle and pedestrian access to Bedford
- Limit the maximum impervious cover to 90% on Tracts 1, 2, and 3 (CS normally allows 95%).

[Atkins 1st, Dealey 2nd – 8-0]

DEPARTMENT COMMENTS & BASIS FOR RECOMMENDATIONS:

The Applicant is in agreement with the recommendation of the Planning Commission.

The applicant is proposing zoning and future land use map (FLUM) amendments in order to accommodate a proposed mixed-use project comprised of general retail, offices, restaurants, and townhomes.

This site is within the Rosewood Neighborhood Planning Area that was adopted by the City Council in November 2001. The Future Land Use Map adopted with the plan calls for Mixed-Use on Tract 1 and Single-Family residential on Tracts 2, 3 and 4 that are closest to the Single-Family residences south of the applicant's properties. Please refer to the attached Future Land Use Map.

The plan amendment was submitted by the Rosewood Neighborhood Planning Contact Team who is in support of the applicant's requested rezoning and Future Land Use Map changes. Their application letter is attached.

Pursuant to neighborhood plan amendment policies, the plan amendment and zoning case managers met with the neighborhood on Monday, May 21st to discuss the proposed plan amendment. The applicant presented the zoning and land use designations they are seeking to the community members. Community members had concerns about the possible impact of the proposed development on the surrounding single-family neighborhoods. No vote was taken in support or opposition of the proposed plan amendment.

The applicant has also asked to exercise provisions of the Vertical Mixed Use (VMU) ordinance to allow for early opt-in/opt-out determination. The applicant has requested that Tracts 1, 2, and 3 be opted in to

ZONING REQUESTED & STAFF RECOMMENDATION:

REZONINGS REQUESTED BY APPLICANT		STAFF RECOMMENDATION	
FROM:	TO:	TO:	Area:
Tract 1 CS-MU-CO-NP & GR-MU-CO-NP	CS-MU- CO-NP with VMU	CS-MU-CO-NP with VMU	1.21 acres
Tract 2 SF-3-NP	CS-MU-CO-NP with VMU	LR-MU-CO-NP with VMU	0.39 acres
Tract 3 SF-3-NP	CS-MU- CO-NP with VMU	LR-MU-CO-NP with VMU	1.07 acres
Tract 4 SF-3-NP	SF-6-CO-NP	SF-6-CO-NP	0.79 acres
		Total:	3.46 acres

(CS – Commercial Services district, GR – Community Commercial district, LR – Neighborhood Commercial district, SF-3 – Family Residence district, MU – Mixed Use combining district, NP – Neighborhood Plan combining district, VMU – Vertical Mixed Use overlay district)

As part of the rezoning, the Applicant proposes a Conditional Overlay that would

- Limit the maximum height to 50 feet on Tracts 1, 2, and 3
- Limit development of Tracts 2, 3, and 4 to uses that generate no more than 2000 trips per day
- Prohibit access, except for emergency access, to Bedford Street
- Prohibit access to Sol Wilson Avenue and McClain Street.
- Prohibit the same uses on Tract 1, 2, and 3 that are prohibited under the neighborhood plan today, which are
 - Adult oriented businesses
 - Automotive washing (of any type)
 - Commercial off-street parking
 - Construction sales and services
 - Custom manufacturing
 - Equipment sales
 - Laundry service
 - Maintenance and service facilities
 - Service station
 - Agricultural sales and services
 - Campground
 - Commercial blood plasma center
 - Convenience storage
 - Drop-off recycling collection facility
 - Equipment repair services
 - Limited warehousing and distribution
 - Pawn shop services
 - Vehicle storage

the VMU overlay district. The applicant has committed to the neighborhood the provision of 10% affordable housing at 80% MFI.

TRACT 1

Staff supports the rezoning on Tract 1 to the proposed CS-MU-CO-NP given that CS zoning already exists on Hargrave and that it will be bound to the east by GR-MU-CO-NP zoning. This site is also designated with the Neighborhood Urban Center infill option. (No plan amendment is necessary for Tract 1.)

Staff supports the applicant's request to opt-in to the Vertical Mixed Use (VMU) overlay district. The use of the VMU option would be appropriate for Tracts 1, 2, and 3. The Rosewood Neighborhood Plan encourages mixed use and also recognizes that the neighborhood has a tradition of commercial buildings built close to the sidewalk and street. If the applicant develops a VMU building and provides affordable housing, they may request that the front yard setback requirement be waived, in keeping with the character of the area. This site is also convenient to East 12th Street, which is served by Capital Metro bus service. Additionally, an objective of the neighborhood plan is to promote moderately priced infill development on vacant residential property. While Tracts 1, 2, and 3 are proposed and recommended for mixed-use and not exclusively residential use, the provision of affordable housing through the VMU building helps to meet this objective.

TRACTS 2 & 3

The Staff supports the applicant's request on Tracts 2 and 3 to opt-in to the VMU District for the reasons outlined above.

The Staff differs with the applicant in regards to Tracts 2 and 3 in that

- The applicant has requested a base zoning of CS for both of these tracts; The Staff has recommended a base zoning of LR.
- The applicant has requested a change on the FLUM to Mixed Use for both of these tracts; The Staff recommends Neighborhood Mixed Use.

While the Neighborhood Plan Contact Team supports the CS base zoning for Tract 2 and 3, their plan amendment application letter also states a desire to "orient the mixed use buildings closer to 12th and Hargrave, with the highest height buildings closest to existing retail and commercial, and the lowest height buildings facing Homewood Heights homes." Further, the following are excerpts from the Rosewood Neighborhood Plan,

The Rosewood Neighborhood Planning Team would like to promote compatible, small-scale apartment complexes where existing zoning permits.

Action 75: Work with the City to identify neighborhood-serving uses that can be included at the site- if possible, fronting 12th street and Hargrave. With the involvement of surrounding neighbors and the Planning Contact Team, allow rezoning to neighborhood-appropriate commercial zoning category if necessary to allow "neighborhood-support services" such as day care, restaurant, Laundromat.

Objective 4.3: Where zoning permits, promote small, neighborhood-oriented businesses services such as coffee shops, bookstores, restaurants, and corner stores.

Objective 4.5: Retain the smaller-scale commercial character of existing commercial corridors in the neighborhood.

Objective 4.10: The Owens Subdivision on between E. 12th Street, Sol Wilson, and Hargrave has the potential to become a neighborhood-serving commercial or mixed-use area.

From these statements, it seems clear that the desire of the neighborhood is smaller-scale, neighborhood-appropriate uses.

Staff similarly feels that the intensity of the zoning should decrease in uses and be of a smaller neighborhood scale; thus, our recommendation of Neighborhood Mixed-Use land use and LR base zoning for Tracts 2 and 3.

Tracts 2, 3, and 4 are closest to the existing single-family residences. The LR zoning provides for a transition between the more intense CS zoning that is being requested and recommended on Tract 1 to the north of the existing SF-3 zoning and single-family residences to the south.

Additionally, the applicant's proposal to rezone all of Tracts 1, 2, and 3 to a CS base district would result in almost 3.5 acres of CS base-zoned property. (If combined for development with the adjacent GR-MU-CO-NP-zoned property to the east, which is not part of the rezoning site, and the adjacent CS-MU-CO-NP and GR-MU-CO-NP-zoned properties to the north, which are also not part of the rezoning site, as contemplated by the applicant, this would increase the amount of the potential, overall CS and GR development area to approximately 5.25 acres.) Staff is concerned about that amount of CS zoning located on Hargrave (a collector street) and that amount of intense commercial zoning encroaching into the existing residential neighborhood. Given the large area proposed for CS, Staff is concerned that a project developed under intensive CS development standards would not be in scale with this area or in line with the goals of the neighborhood plan to have neighborhood-appropriate and smaller-scale uses.

If surrounding sites were not already zoned CS and if the neighborhood plan did not call for CS at 12th and Hargrave, it is possible that CS zoning would otherwise be considered too intense at this location and perhaps even at the corner of 12th and Hargrave. Single-family homes and SF-3 zoning front both Hargrave Streets and 12th Street across from this site. The purpose statement of CS under the City's Land Development Code reads that CS is "the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments." The purpose of the LR district however seems to address the desires expressed by the neighborhood to have neighborhood-appropriate and neighborhood-serving commercial uses. From the City's Code:

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Staff recognizes that the neighborhood plan called for rezoning the SF-3 zoned properties within the Owens Subdivision to CS. However, there are only three lots within the Owens Subdivision No.2 (1187, 1187 ½ and 1189 Hargrave) that are zoned SF-3. All 3 are substandard lots that are approximately 55 feet wide by 103 feet deep (5665 total square feet). While Staff can support some commercial, mixed-use zoning on these lots, Staff also tried to balance the zoning recommendation for these properties with the

recommendation for Tract 3 to the east. Staff feels that the zoning recommendations for Tracts 2 and 3 should be consistent to allow for reasonable development. Given that, the concern about CS zoning on Tract 3, and the references throughout the neighborhood plan calling for smaller-scale, neighborhood-appropriate uses, Staff chose to recommend LR zoning for both tracts instead of CS.

TRACT 4

The Staff supports the applicant's rezoning and plan amendment requests for Tract 4.

The SF-6 Townhouse and Condominium zoning provides for a transition between the mixed-use project envisioned on the northern part of the subject property and the single-family homes to the south. The Neighborhood Plan calls for a variety of housing options. The possibility for townhomes and condos provides for variety and a reasonable mix of housing types in an area predominated by single-family detached housing.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	<ul style="list-style-type: none"> • CS-MU-CO-NP • GR-MU-CO-NP • SF-3-NP 	<ul style="list-style-type: none"> • CS-MU-CO-NP: Tire shop (Rio's Tire Shop, to be demolished) on northernmost CS-zoned lot north of Wheat Ave and Undeveloped on southernmost CS-zoned lot south of Wheat Ave • GR-MU-CO-NP: Undeveloped • SF-3-NP: Single-Family residences on Hargrave (to be demolished) and Undeveloped
<i>North</i>	<ul style="list-style-type: none"> • CS-MU-CO-NP • LO-MU-CO-NP, across and on 12th Street • LR-MU-CO-NP, across and on 12th Street • SF-3-NP, across and on 12th Street 	<ul style="list-style-type: none"> • CS-MU-CO-NP: Convenience Store (Quick Stop) at corner of 12th and Hargrave • LO-MU-CO-NP: Printing company • LR-MU-CO-NP: Undeveloped • SF-3-NP: Single-Family Residences and
<i>South</i>	<ul style="list-style-type: none"> • SF-3-NP 	<ul style="list-style-type: none"> • Single-Family residences
<i>East</i>	<ul style="list-style-type: none"> • GR-MU-CO-NP • CS-MU-CO-NP 	<ul style="list-style-type: none"> • GR-MU-CO-NP: Undeveloped • CS-MU-CO-NP: Undeveloped
<i>West</i>	<ul style="list-style-type: none"> • P-NP 	<ul style="list-style-type: none"> • City Fleet Services facility

AREA STUDY: Tracts 1 – 4 are part of the Rosewood Neighborhood Plan which was adopted in November of 2001. The Rosewood Future Land Use Map calls for Mixed-Use on Tract 1 and Single-Family residential on Tracts 2 – 4 that are closest to the Single-Family residences south of the applicant's properties. Tract 1 is also designated with the Neighborhood Urban Center infill option. Please refer to the attached Future Land Use Map.

TRAFFIC IMPACT ANALYSIS (TIA): Not Required since applicant agreed to limit trips to 2000

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

511--Austin Neighborhoods Council
 603--Mueller Neighborhoods Coalition
 403--Martin Luther King Jr./Airport Blvd. Sector
 443--Clifford-Sanchez Neigh. Assn.
 972--PODER People Organized in Defense of Earth & Her Resources
 742--Austin Independent School District
 744--Sentral Plus East Austin Koalition (SPEAK)
 757--Pandora-Oakgrove
 760--Rosewood Neighborhood Contact Team
 770--Homewood Heights Neighborhood Association
 786--Home Builders Association of Greater Austin

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Hargrave Street	75'	40'	Collector	No	No	Yes
Wheat Ave	50'	Not Constructed	Local	No	No	No
Sol Wilson Ave	50'	30'	Local	No	No	No
McClain St	64'	Not Constructed	Local	No	No	No
Bedford St	50'	30'	Local	No	No	No

CITY COUNCIL DATE: July 26, 2007

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

NEIGHBORHOOD PLAN AMENDMENT CASE MANAGER: Minal Bhakta

PHONE: 974-6453

EMAIL: minal.bhakta@ci.austin.tx.us

REZONING CASE MANAGER: Tina Bui

PHONE: 974-2275

EMAIL: tina.bui@ci.austin.tx.us

EXISTING CONDITIONS

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

A pre-application conference is required prior to site plan submittal, to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the City staff with the applicable provisions of Subchapter E such as the VMU affordability requirements, and other issues that may affect the applicant's proposal (e.g., accessibility requirements). The informal evaluation of the Director and staff provided at the conference are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the site plan application.

The site must comply with all requirements of Subchapter E, such as sidewalks and building placement, connectivity, exterior lighting, screening, private common open space and pedestrian amenities, and building design.

Any site over 5 acres must be broken into blocks no larger than 330' X 660'. (Subchapter E, connectivity).

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day for Tracts 2-4. [LDC, 25-6-117] Since the rezoning request for Tract 1 does not change the base zoning district, a trip limit has not been assigned. Tract 2 proposes 3,000sf of office and 6 townhomes which would generate approximately 149 trips per day.

Tract 3 proposes 6 town homes which would generate approximately 59 trips per day. Tract 4 proposes 8 town homes which would generate approximately 75 trips per day.

Access to Sol Wilson, McClain and Bedford is prohibited except for emergency access due to the residential nature of these roadways.

Capital Metro service is located on 12th Street just north of the subject property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Hargrave Street	75'	40'	Collector	No	No	Yes
Wheat Ave	50'	Not Constructed	Local	No	No	No
Sol Wilson Ave	50'	30'	Local	No	No	No
McClain Street	64'	Not Constructed	Local	No	No	No
Bedford St	50'	30'	Local	No	No	No

Water/Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense; will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations, and abandonments. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

The Rosewood Neighborhood Contact Team

1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

March 26, 2007

Mr. Greg Guernsey, Director
Neighborhood Planning and Zoning Department
City of Austin
PO Box 1088
Austin, TX 78701

Re: Hargrave Mixed Use Development Project

Dear Mr. Guernsey:

The Rosewood Neighborhood Contact Team requests the zoning change and neighborhood plan amendment, and wants to opt in on the Vertical Mixed Use Ordinance for the project located as follows:

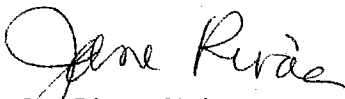
1. Rezone the properties at 1191, 1195, and 1197 Hargrave Street from CS-MU-CO-NP to CS-MU-CO- NP in order to modify the conditional overlay to allow a building height of 50 feet for the mixed use commercial/residential buildings.
2. Rezone the property at 1187 Hargrave from SF-3 to CS-MU-NP and SF-6-NP as shown on the map provided by the developer to allow a mixed-use project on all the properties that complies with compatibility standards.

The developer has agreed to meet SMART Housing requirements of 10% of the residential units to be for people at or below 80% of MFI, including 4% of that to be available for families. RNCT considers affordability critical for the new residential units created and appreciates the developer's voluntary compliance with those requirements.

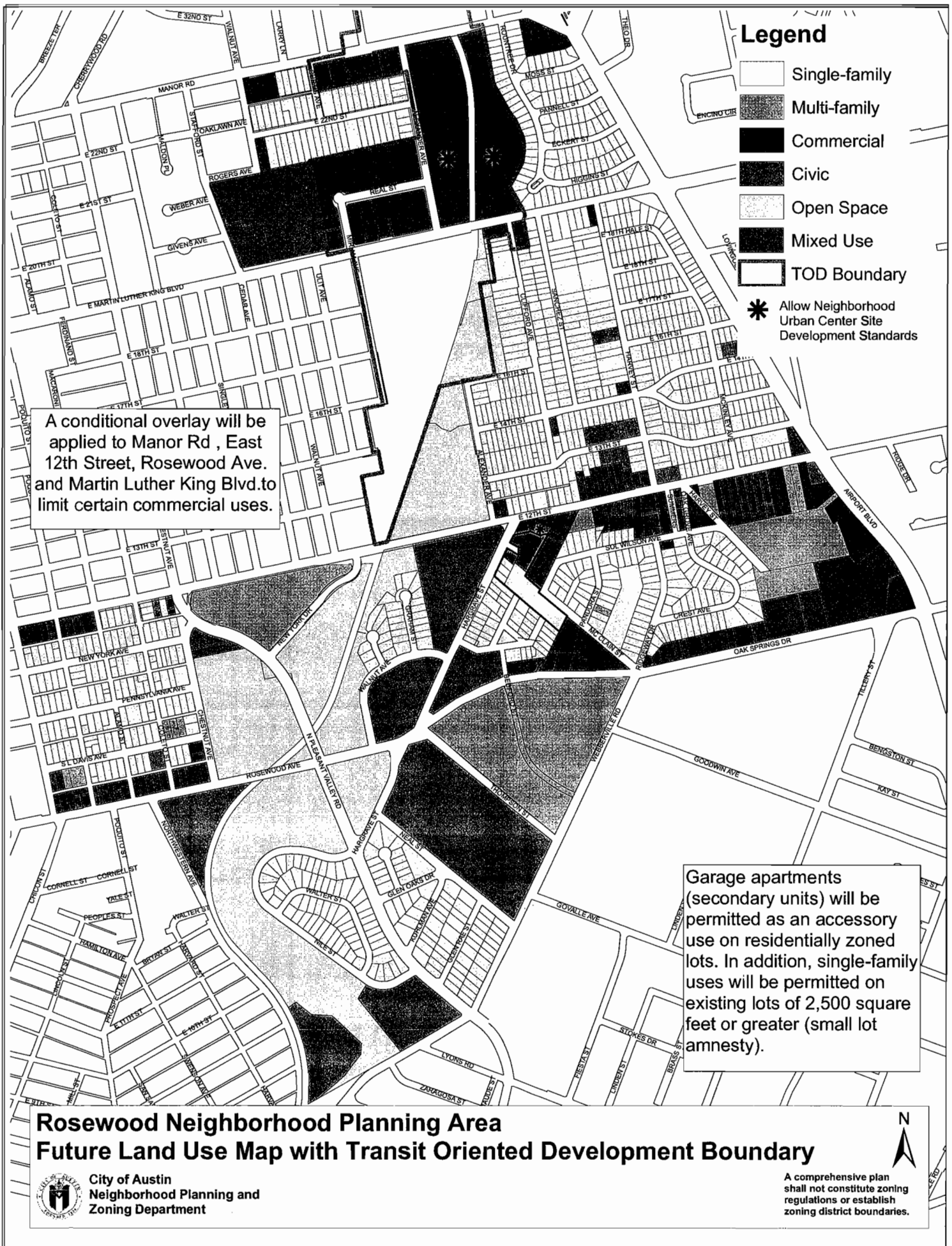
The neighborhood discussed the following elements with the developer and determined that the project meets the intent of the neighborhood plan with the following agreements regarding the planned development:

- Hargrave Street will be the primary access. The applicant agrees to prohibit access to Sol Wilson Avenue and McClain Street. Access to Bedford Street will be limited to emergency access only and will use sidewalk/trail/path access to the existing neighborhood.
- The developer will orient the mixed use buildings closer to 12th Street and Hargrave, with the highest height buildings closest to existing retail and commercial, and the lowest height buildings facing Homewood Heights homes.
- Housing located closest to the existing single family homes will be townhome style.
- The developer agrees not to completely fence the project away from the existing neighborhood, although we agreed to fences around individual housing units.
- The developer plans to use underground utilities.
- The developer will make an earnest attempt made to offer the retail spaces to locally-owned East Austin business people, preferably those with existing businesses.
- The applicant has committed to continue to dialog with the neighborhood in good faith.








Sincerely,



Jane Rivera, Chair
Rosewood Neighborhood Contact Team



Legend

-  Plan Amendment Area
-  Single- Family
-  Mixed Use
-  Civic
-  Open Space
-  Multi - Family
-  Allow Neighborhood Urban Center Site Development Standards

Tract 1:
Only Zoning Change
No Plan Amendment Associated

Tracts 2 & 3:
From Single-Family
to Mixed-Use

Tract 4:
From Single-Family
to High Density Single-Family

Rosewood Neighborhood Proposed Plan Amendment 1187 Hargrave Street Case: NPA-07-0008.01



This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

0 0.05 0.1 Miles



From The Rosewood Neighborhood Plan

Goal: The neighborhood planning team would like to see the buildable, vacant lots built as *new residential* or ***neighborhood-serving commercial development***.

Objective: Where zoning permits, promote small, ***neighborhood-oriented businesses*** & services such as coffee shops, bookstores, restaurants, and corner stores.

Objective: Retain the ***smaller-scale commercial*** character of existing commercial corridors in the neighborhood.

Objective: The 12th and Hargrave site is central to the neighborhood and has the potential to be a neighborhood focal point.

- Work with the City to identify neighborhood-serving uses that can be included at the site - if possible, fronting 12th street and Hargrave. With the involvement of surrounding neighbors and the Neighborhood Planning Contact Team, allow rezoning to ***neighborhood-appropriate commercial*** zoning category if necessary to allow "neighborhood-support services" such as day care, restaurant, Laundromat.

Objective: The Owens Subdivision between E. 12th street, Sol Wilson, and Hargrave has the potential to become ***a neighborhood-serving commercial or mixed-use area***.

- Rezone the SF-3 zoned properties within the Owens Subdivision to CS to allow mixed use development.

Objective: Preserve the existing greenspace in the neighborhood planning area.

Neighborhood Mixed-Use Land Use Category

Definition

An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shop front retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

Purpose

- 1) Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods.
- 2) Provide a transition from residential use to high intensity commercial or mixed use.

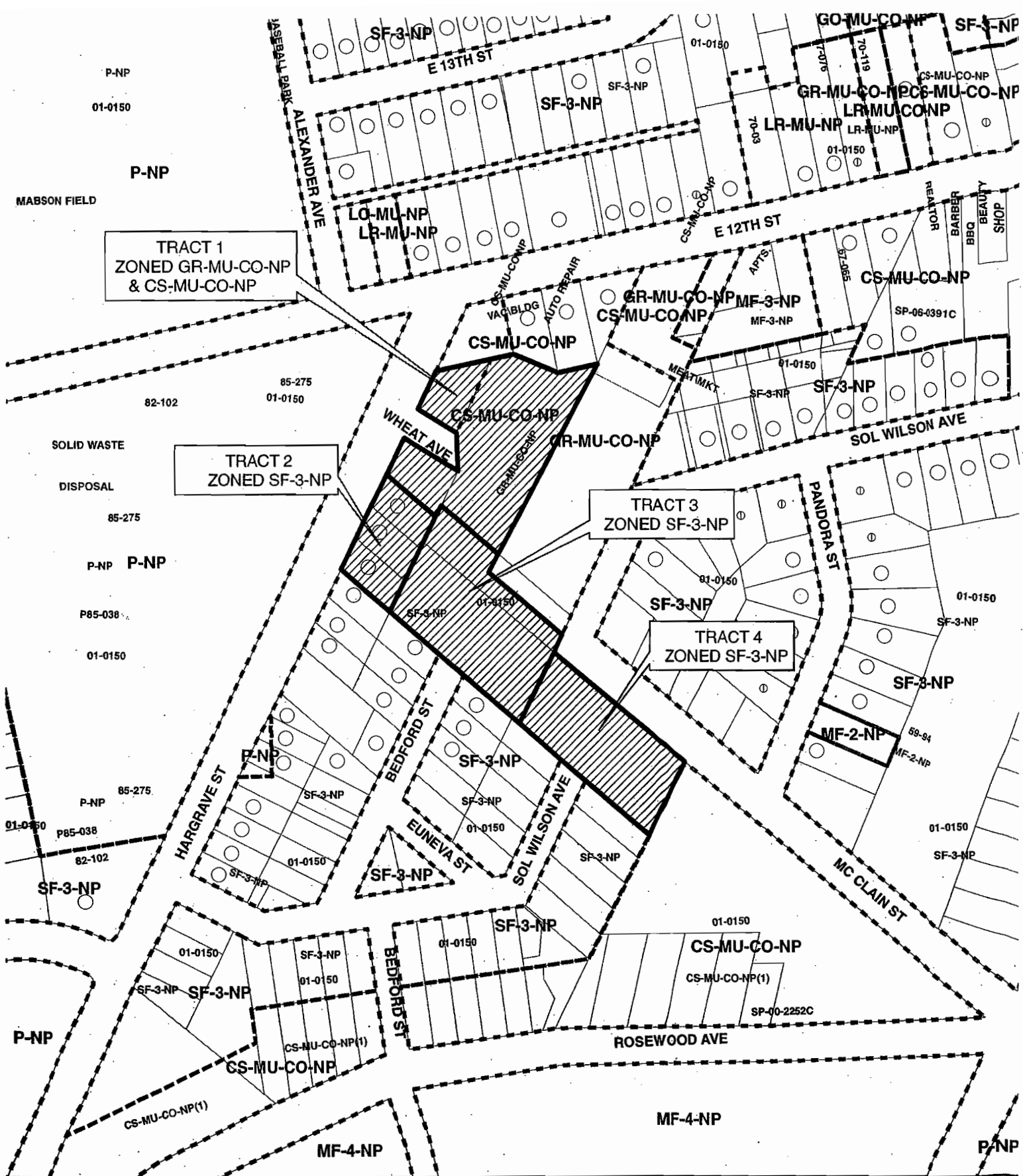
Application

- 1) Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
- 2) May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

Appropriate Zoning Districts

Commercial: NO (Neighborhood Office), LO (Limited Office), and LR (Neighborhood Commercial)

Residential: From SF-2 (Single family- standard lot) through MF-2 (Multi-Family – low density)



Subject Tract

Zoning Boundary

Pending Cases

ZONING

CASE#: C14-2007-0041

ADDRESS: 1187, 1187 1/2, 1189, 1191, 1195 HARGRAVE ST.
0 MCCLAIN ST. & 0 WHEAT AVE.

SUBJECT AREA: 3.470

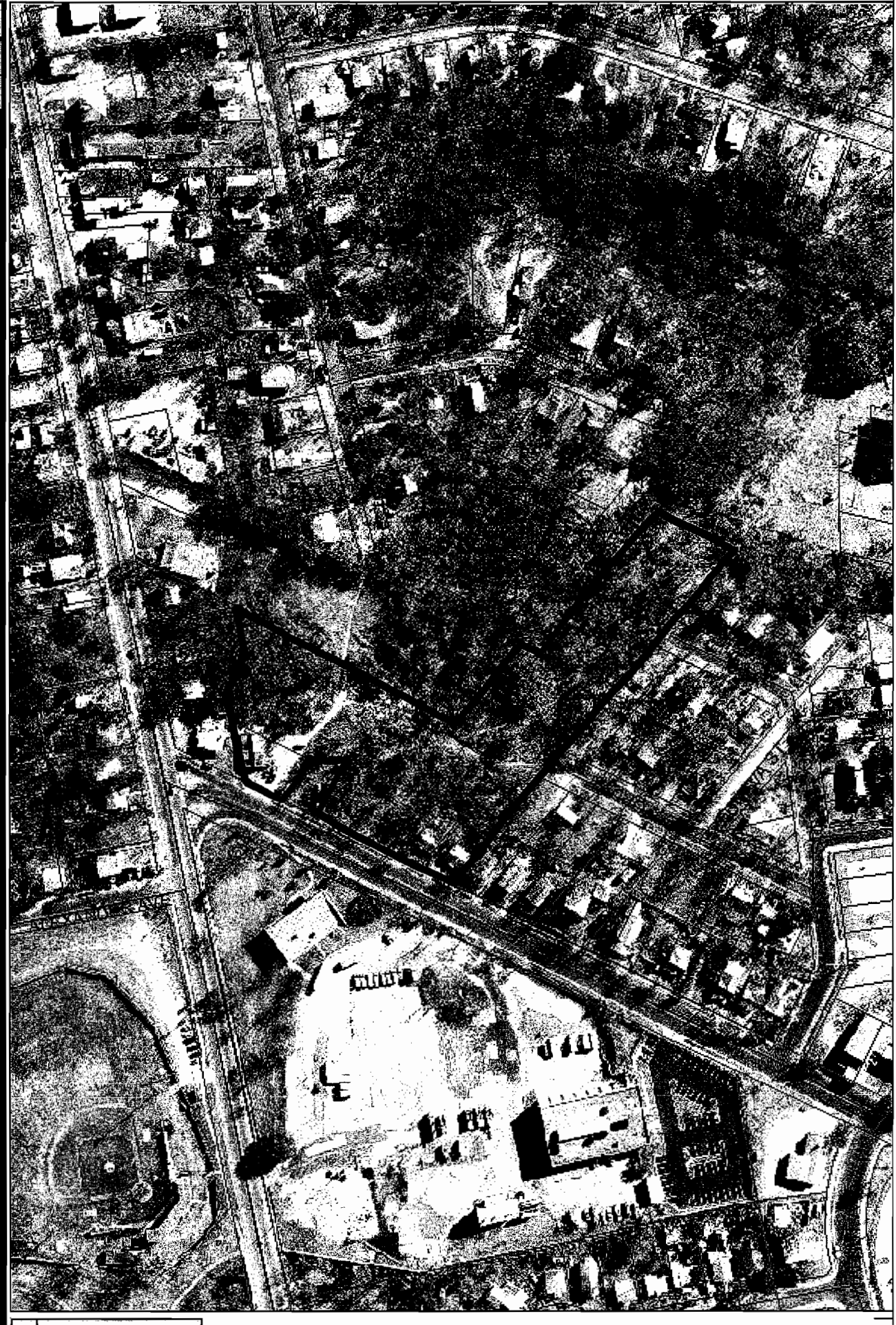
GRID: L23

1" = 200'

CASE MGR: MINAL BHAKTA

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No warranty is made by the City of Austin regarding specific accuracy or completeness.

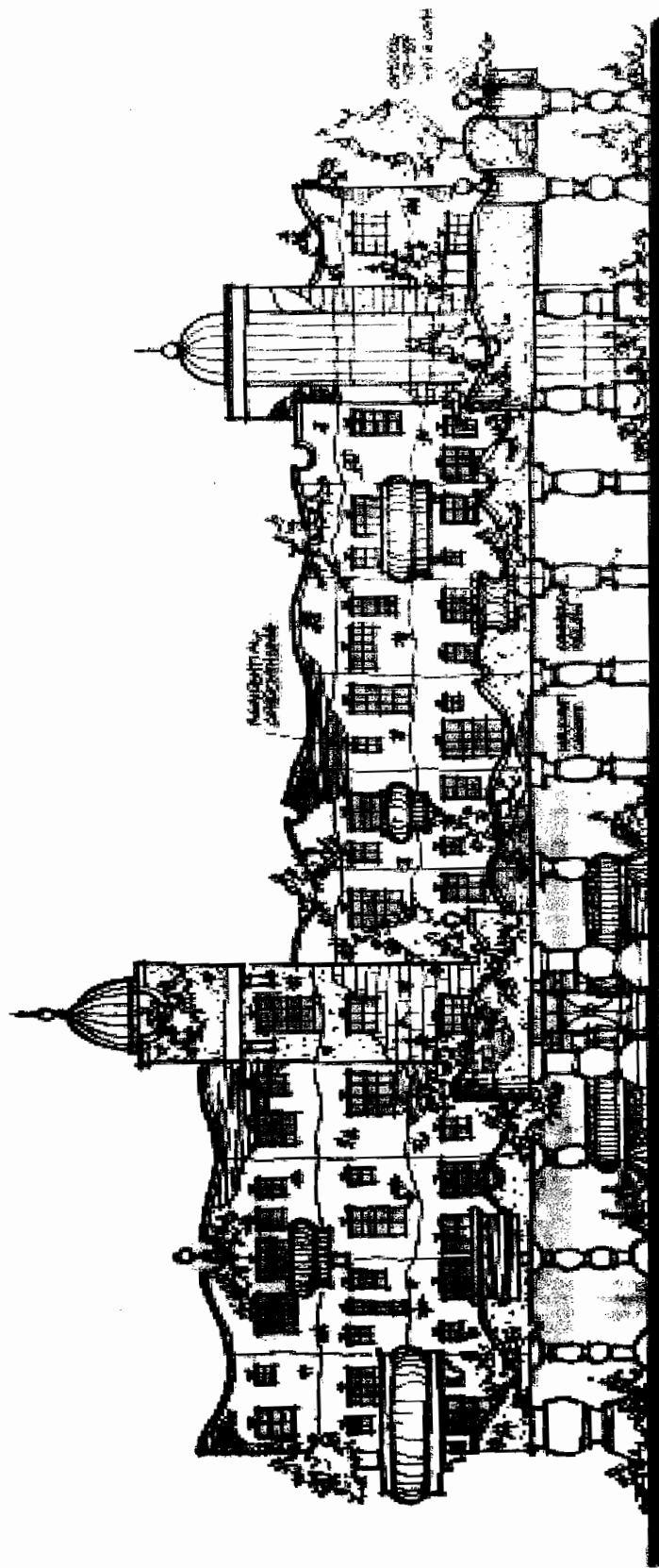
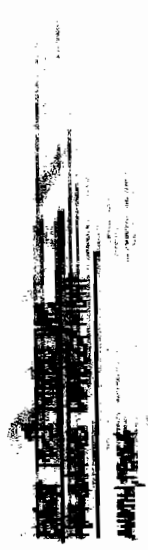




12th & Hargrave Development
C14-2007-0041



proposed
conceptual
elevation



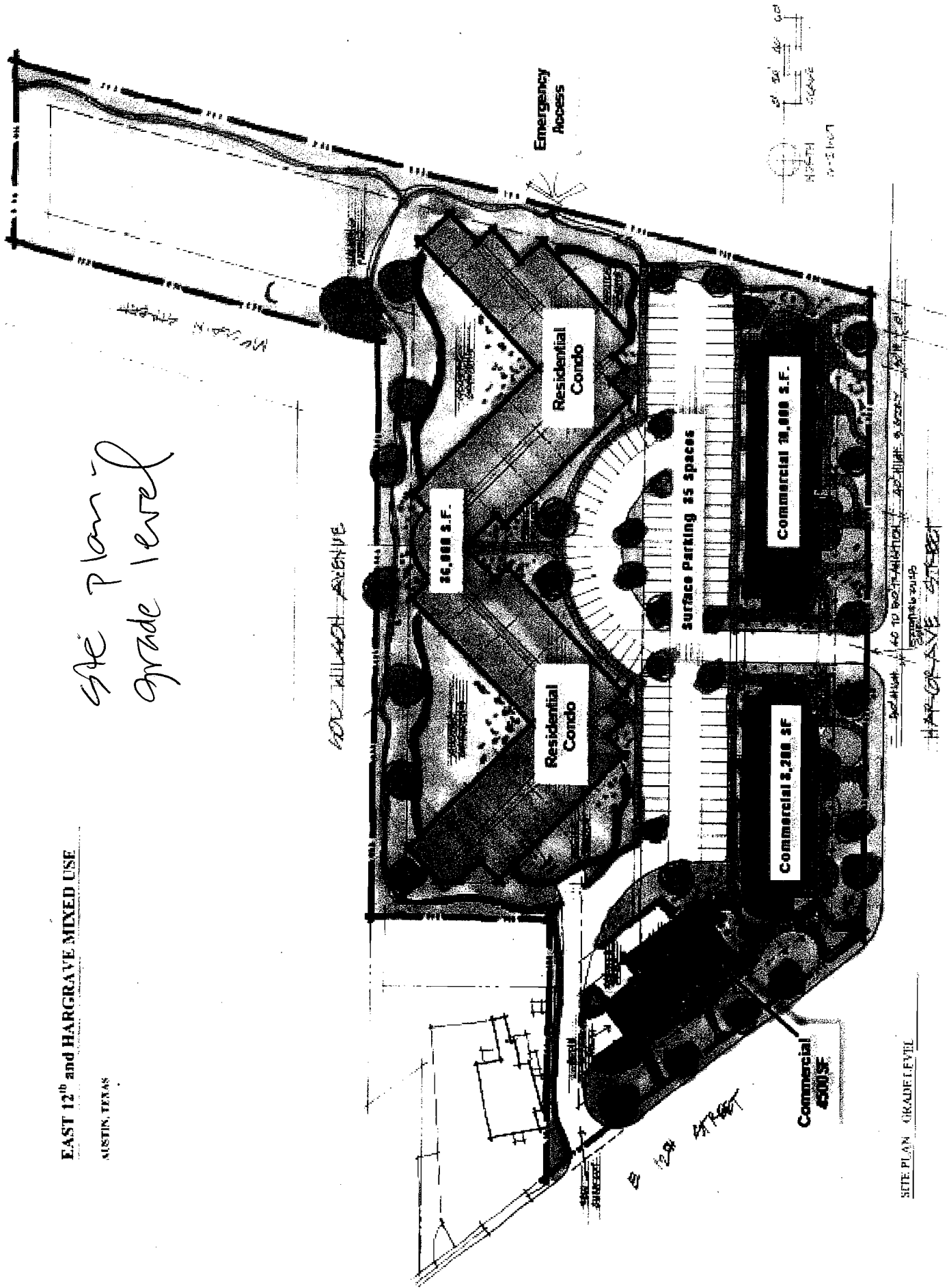
HARCAVE STREET VIEW

ST. ASH STREET VIEW

EAST 12th and HARGRAVE MIXED USE

AUSTIN, TEXAS

*site plan -
grade level*

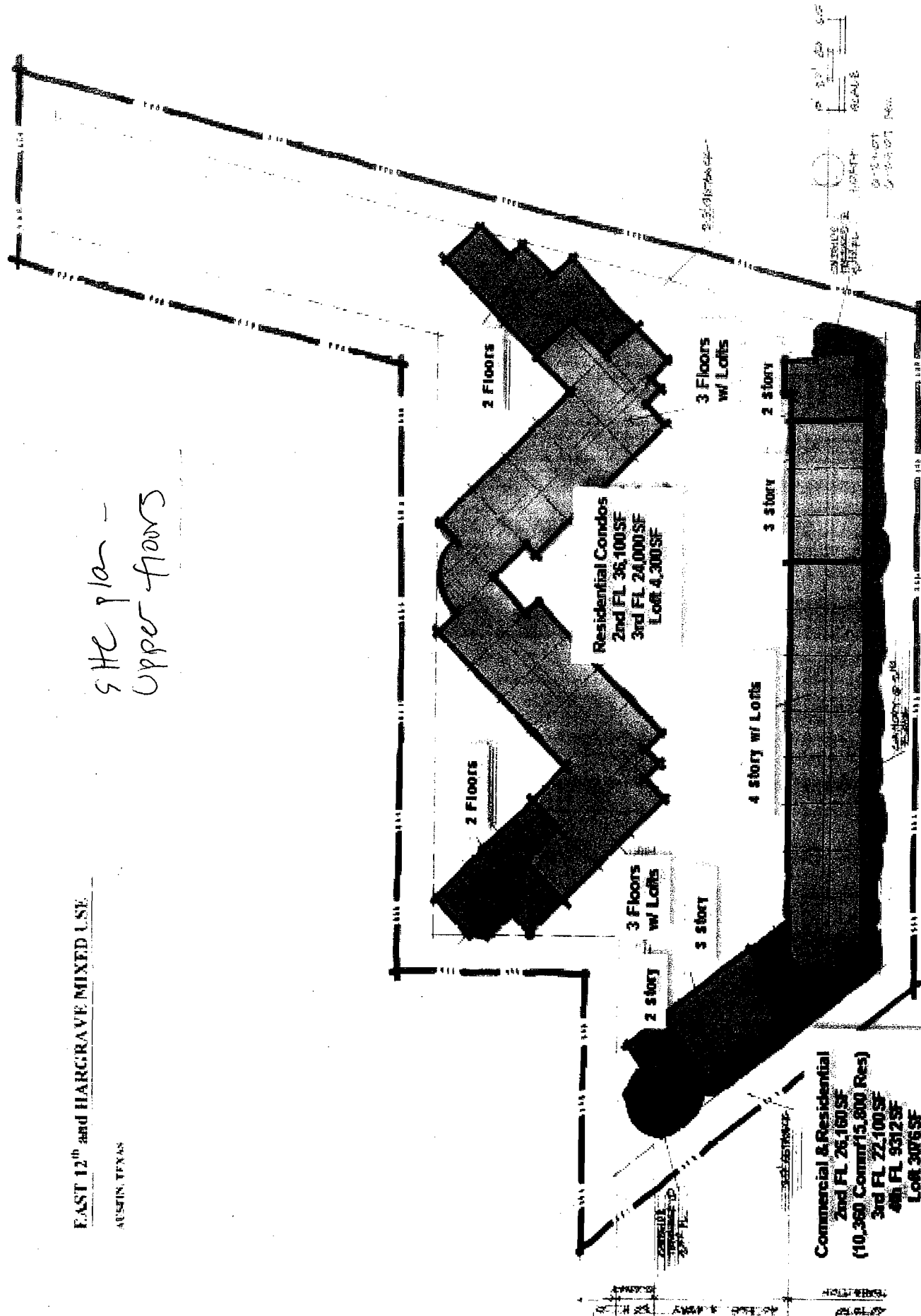


SITE PLAN GRADE LEVEL

EAST 12th and HARGRAVE MIXED USE

AUSTIN, TEXAS

Site plan -
Upper floors



SITE PLAN - UPPER LEVELS

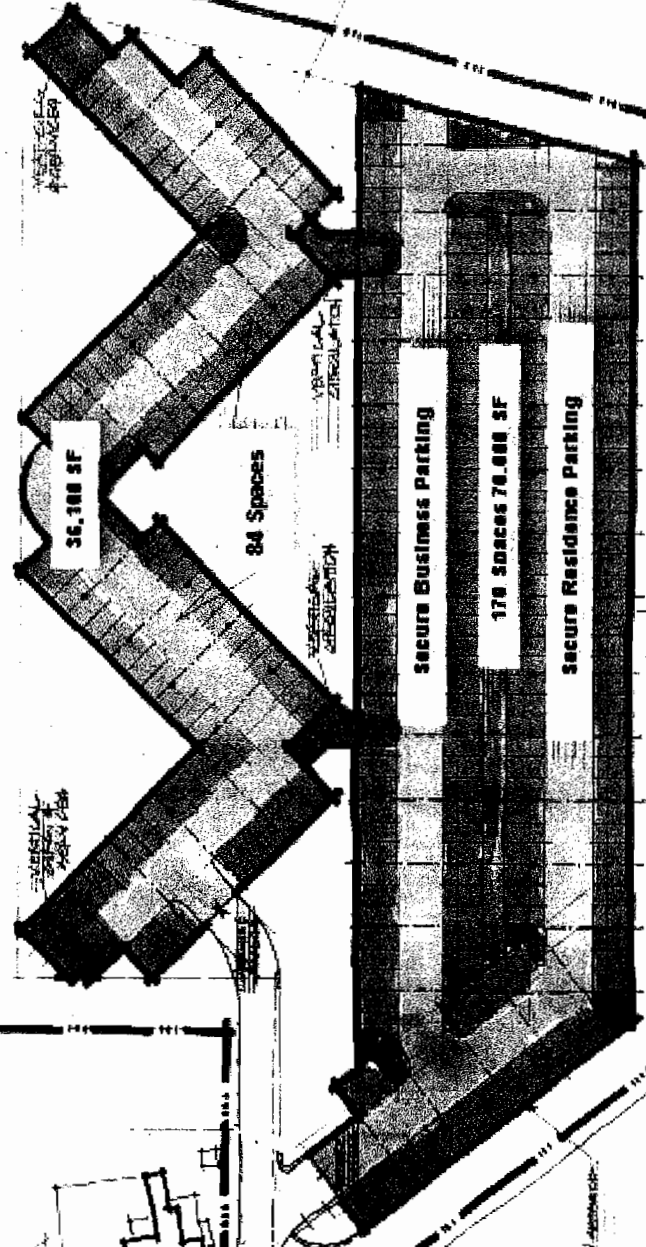
EAST 12th and HARGRAVE MIXED USE

AUSTIN, TEXAS

Underground
parking

HELMUTH ALEXANDER AVENUE

HARGRAVE STREET



SITE PLAN - SUB GRADE

Site Development Standards

Residential Zoning

	LA	RR	SF-1	SF-2	SF-3	SF-4A	SF-4B	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH
Minimum Lot Size (Square Feet)	43,560	43,560	10,000	5,750	5,750	3,600**	**	5,750	5,750	8,000	8,000	8,000	8,000	8,000	8,000	--
Minimum Lot Width	100	100	60	50	50	40	**	50	50	50	50	50	50	50	50	--
Maximum Dwelling Units Per Lot	1	1	1	1	**	1	**	--	--	**	**	**	**	**	**	--
Maximum Height	35	35	35	35	35	35	**	35	35	40 or 3 stories	40	60	60	60	90	--
Minimum Setbacks																
Front Yard	40	40	25	25	25	15	**	25	25	25	25	15	15	15	15	--
Street Side Yard	25	25	15	15	15	10	**	15	15	15	15	15	15	15	15	--
Interior Side Yard	10	10	5	5	5	**	10	5	5	5	5	5	5	5	5	--
Rear Yard	20	20	10	10	10	**	**	10	10	10	10	10	10	10	10	--
Maximum Building Coverage	--	20%	35%	40%	40%	55%	40%	40%	40%	45%	50%	55%	60%	60%	70%	--
Maximum Impervious Cover	**	25%	40%	45%	45%	65%	60%	55%	55%	55%	60%	65%	70%	70%	80%	--
Maximum Floor Area Ratio	--	--	--	--	--	--	--	--	--	--	--	0.75:1	0.75:1	1:01	--	--
Maximum Units Per Acre	--	--	--	--	--	--	--	--	--	17	23	36	36-54**	54	--	--

Commercial Zoning

	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	P
Minimum Lot Size (Square Feet)	5,750	5,750	5,750	20,000	5,750	5,750	5,750	--	--	43,560	5,750	5,750	20,000	43,560	50 acres	5,750	**	10 acres	**	10 acres	**
Minimum Lot Width	50	50	50	100	50	50	50	--	--	100	50	50	100	100	250	50	100	100	**	--	**
Maximum Height (feet)	35 or 2 stories	40 or 3 stories	60	40	40 or 3 stories	60	200	**	120	25 or 1 story	60	60	**	60	120	60	45	35	**	60	**
Minimum Setbacks																					
Front Yard	25	25	15	50	25	10	10	--	--	25	10	10	50	25	--	--	75	25	**	100	**
Street Side	15	15	15	50	15	10	10	--	--	25	10	10	50	25	--	--	**	25	**	100	**
Interior Side	5	5	5	20	--	--	--	--	--	5	--	--	25	**	**	**	**	10	**	100	**
Rear Yard	5	5	5	20	--	--	--	--	--	25	--	--	25	**	**	**	**	10	**	100	**
Maximum Building Coverage	35%	50%	60%	25%	50%	75%	50%	100%	100%	--	95%	95%	85%	50%	75%	75%	40%	12,000	**	--	**
Maximum Impervious Cover	60%	70%	80%	60%	80%	90%	50%	100%	100%	70%	95%	95%	85%	80%	80%	80%	**	15,000	**	--	**
Maximum Floor Area Ratio	0.35:1	0.7:1	1:01	0.25:1	0.5:1	1:01	8:01	8:01	5:01	0.25:1	2:01	2:01	3:01	1:01	1:01	1:01	**	--	**	--	**

** See Austin City Code Volume II (Land Development Code)

12th & Hargrave Development

Uses listed in strikethrough format are prohibited on Tract 1 under the Neighborhood Plan.
(These uses are currently not prohibited on Tracts 2, 3, and 4 since those are zoned SF-3-NP.)

P = Permitted Use C = Conditional Use Permit -- = Not Permitted
(P)C = Normally Permitted but Conditional under Neighborhood Plan

	LR-MU	GR-MU	CS-MU
Residential Uses			
Bed & Breakfast (Group 1)	P	P	P
Bed & Breakfast (Group 2)	P	P	P
Townhouse residential	P	P	P
Multifamily residential	P	P	P
Single-family residential	P	P	P
Single-family attached residential	P	P	P
Small lot single-family residential	P	P	P
Two-family residential	P	P	P
Condominium residential	P	P	P
Duplex residential	P	P	P
Group residential	P	P	P
Group home, class I (limited)	P	P	P
Group home, class I (general)	P	P	P
Group home, class II	P	P	P
Commerical Uses			
Administrative and Business Offices	P	P	P
Adult-Oriented Business	--	--	P
Adult Lounge	--	--	--
Agricultural Sales and Services	--	--	P
Art Gallery	P	P	P
Art Workshop	P	P	P
Automotive Rentals	--	P	P
Automotive Repair Services	--	P	P
Automotive Sales	--	(P)C	(P)C
Automotive Washing (of any type)	--	P	P
Bail Bond Services ¹⁰	--	PC	PC
Building Maintenance Services	--	--	P
Business or Trade School	--	P	P
Business Support Services	--	P	P
Campground	--	--	P
Commercial Blood Plasma Center	--	--	P5
Commercial Off-Street Parking	--	P	P
Communications Services	--	P	P
Construction Sales and Services	--	--	P
Consumer Convenience Services	P	P	P
Consumer Repair Services	P	P	P
Convenience Storage	--	--	P
Drop-Off Recycling Collection Facility	--	P6	P
Electronic Prototype Assembly	--	--	P
Electronic Testing	--	--	P
Equipment Repair Services	--	--	P
Equipment Sales	--	--	P
Exterminating Services	--	(P)C	(P)C
Financial Services	P	P	P
Food Preparation	--	C	P
Food Sales	P	P	P

12th & Hargrave Development

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	LR-MU	GR-MU	CS-MU
Funeral Services	--	P	P
General Retail Sales (Convenience)	P	P	P
General Retail Sales (General)	--	P	P
Hotel-Motel	--	(P)C	(P)C
Indoor Entertainment	--	P	P
Indoor Sports and Recreation	--	P	P
Kennels	--	--	(P)C
Laundry Services	--	--	P
Medical Offices -- exceeding 5000 sq. ft. gross floor area	C	P	P
Medical Offices -- not exceeding 5000 sq. ft. gross floor area	P	P	P
Monument Retail Sales	--	--	(P)C
Off-Site Accessory Parking	P	P	P
Outdoor Entertainment	--	C	C
Outdoor Sports and Recreation	--	(P)C	(P)C
Pawn Shop Services	--	P	P
Personal Improvement Services	--	P	P
Personal Services	P	P	P
Pet Services	P	P	P
Plant Nursery	C	C	P
Printing and Publishing	P	P	P
Professional Office	P	P	P
Research Services	--	P	P
Restaurant (General)	--	P	P
Restaurant (Limited)	P	P	P
Service Station	P	P	P
Software Development	P	P	P
Special Use Historic	C	C	--
Theater	--	P	P
Vehicle Storage	--	--	P
Veterinary Services	--	--	P
Industrial Uses			
Custom Manufacturing	C	C	P
Limited Warehousing and Distribution	--	--	P
Agricultural Uses			
Urban Farm	P	P	--
Civic Uses			
Club or Lodge	C	C	C
College and University Facilities	P	P	P
Communication Service Facilities	P	P	P
Community Recreation (Private)	C	P	P
Community Recreation (Public)	C	P	P
Congregate Living	C	P	P
Counseling Services	P	P	P
Cultural Services	P	P	P

12th & Hargrave Development

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	LR-MU	GR-MU	CS-MU
Day Care Services (Commercial)	P	P	P
Day Care Services (General)	P	P	P
Day Care Services (Limited)	P	P	P
Family Home	P	P	P
Group Home, Class I (General)	P	P	P
Group Home, Class I (Limited)	P	P	P
Group Home, Class II	C	P	P
Guidance Services	P	(P)C	(P)C
Hospital Services (General)	--	C	C
Hospital Services (Limited)	C	P	P
Local Utility Services	P	P	P
Maintenance and Service Facilities	--	--	P
Private Primary Educational Facilities	P	P	P
Private Secondary Educational Facilities	P	P	P
Public Primary Educational Facilities	P	P	P
Public Secondary Educational Facilities	P	P	P
Religious Assembly	P	P	P
Residential Treatment	C	(P)C	(P)C
Safety Services	P	P	P
Telecommunication Tower ⁷	PC	PC	PC
Transitional Housing	--	--	C
Transportation Terminal	--	--	C

VERTICAL MIXED USE

WHAT IS A VERTICAL MIXED USE BUILDING?

A Vertical Mixed Use building *requires* a mix of uses in one building. There must be, for example, residential units and commercial uses in the same building.

VMU buildings must meet the following requirements:

- a. A use on the ground floor must be different from a use on an upper floor and at least one of the floors shall contain residential dwelling units;
- b. At least 75 percent of the building frontage along the principal street must meet a set of standards designed to ensure that ground-floor spaces create an attractive commercial and pedestrian environment:
 - A customer entrance must open directly onto the sidewalk,
 - The ground floor space must have a depth of not less than 24 feet,
 - The ground floor must have a first floor height of not less than 12 feet, and
 - The front building façade must have a minimum amount of glazing (e.g. windows and doors); and
- c. The developer must meet with City of Austin development and affordable housing staff for a pre-application conference to ensure they understand VMU requirements.

VMU buildings are subject to the height limits of the base zoning district and, if applicable, compatibility standards. VMU buildings cannot be taller than any other building that a developer could build under existing entitlements on a given site.

If a VMU project takes advantage of relaxed the development standards (e.g., no minimum front or side yard setbacks, or reduced parking requirements) affordable housing *must* be provided.

To the extent of conflict, VMU regulations are superseded by several other regulations and provisions of the Code, including existing conditional overlays (CO), the waterfront overlay (WO), neighborhood conservation combining districts (NCCD), neighborhood plan (NP) combining districts, the Barton Springs Zone overlay, and provisions applicable to Hill Country Roadways.

LOCATIONS OF VMU BUILDINGS

VMU Buildings may be located

- a. Within the VMU Overlay District;
- b. On properties with the Mixed Use (MU) Combining District through the Opt-In process, and
- c. In other areas identified through the Opt-In process.

The VMU Overlay District

The VMU Overlay District, created by City Council as part of the Design Standards ordinance, generally applies to all commercially zoned sites with frontage on a Core or Future Core Transit Corridor. Core and future Core Transit Corridors are roadways that have or will have the population density, mix of uses, and transit facilities to encourage and support transit use. Core Transit Corridors include many of the major arterial roadways in the urban core of Austin such as South Congress Avenue, Lamar Blvd. and Riverside Drive.

What does it mean for a site to lie within the VMU Overlay District?

- For most properties, it means they are eligible for the relaxed development standards that make VMU buildings more attractive to build but only if affordable housing is provided.
- In fact, this package is the default for most properties in the VMU Overlay unless they are “opted out.” Opt-Out means the neighborhood recommends that specific properties within the VMU Overlay District should *not* be eligible for some or all of the relaxed development standards/affordable housing and the City Council approves this recommendation.
- The opt-out process also allows neighborhoods to recommend that certain properties be removed from the VMU Overlay District entirely.

VERTICAL MIXED USE

- Commercially zoned properties in the VMU Overlay District with exclusively residential use (either all single or all multi-family) that do not have the MU combining District are also subject to special rules, which are explained below.

Properties with the MU Combining District and Other Locations Identified by Neighborhoods

For properties outside the VMU Overlay District, the VMU rules allow neighborhoods to “opt in” to encourage VMU buildings. Opt-In means a neighborhood recommends whether a property should be eligible for VMU and whether the relaxed development standards/affordable housing should apply. An opt-in recommendation is subject to City Council approval. Potential locations include both properties with the MU Combining District (e.g. GR-MU) as well as other properties on which the neighborhood would like to encourage vertical mixed use.

ADDITIONAL GROUND FLOOR USES FOR VMU BUILDINGS IN OFFICE ZONING DISTRICTS

If approved through the opt-in/opt-out process the following uses will be permitted in a VMU Building located in an office zoning district (NO, LO, GO):

- Consumer convenience services
- Food sales
- General retail sales (convenience or general)
- Restaurant (limited or general) without drive-in service

RELAXED DEVELOPMENT STANDARDS FOR VMU BUILDINGS THAT PROVIDE AFFORDABLE HOUSING

Certain development standards may be relaxed with a VMU building if affordable housing is provided:

1. Dimensional standards;
2. Off-street parking requirements for commercial uses; and

Dimensional Standards

If approved through the opt-in/opt-out process and if affordable housing is provided at the required levels, the following relaxed standards will apply to VMU Buildings:

- Setbacks: No minimum front, street side or interior side yard setbacks; however, if the right-of-way is less than 60' in width, the minimum front yard setback for buildings three or more stories in height is 30' from the centerline of the street;
- Floor to Area Ratio: No floor to area ratio (FAR) limit;
- Building Coverage: No building coverage limit;
- Minimum Site Area: No “minimum site area” requirement (this standard limits number of dwelling units on a site)

Note: These Dimensional Standards are a “package” and must be accepted or rejected as such in the opt-in/opt-out process.

Additionally, even if an applicant wants to relax only one of the dimensional standards, affordable housing must be provided.

Parking

If approved through the opt-in/opt-out process and if affordable housing is provided at the required levels, the following relaxed standards will apply to VMU Buildings:

Minimum off-street parking for the commercial uses within a VMU building can be reduced to 60% of the normal requirement. Residential uses within a VMU building receive the parking reduction by right. This reduction cannot be used in combination with any other parking reduction including the Urban Core reduction.

VERTICAL MIXED USE

AFFORDABILITY REQUIREMENTS FOR VMU BUILDINGS

If VMU Buildings are approved through the opt-in/opt-out process, and if they take advantage of the dimensional and parking exemptions, they are subject to certain affordability requirements. The base requirements for a VMU Building are:

Affordability Requirements for Owner-Occupied Units: Five percent of the residential units shall be reserved as affordable, for not less than 99 years for households earning no more than 80 percent of the current Median Family Income (MFI).

In addition, five percent of the residential units shall be reserved as affordable, for not less than 99 years for households earning no more than 100 percent of the current Median Family Income (MFI).

Affordability Requirements for Rental Units: Ten percent of the residential units shall be reserved as affordable, for a minimum of 40 years for households earning no more than 80 percent of the current Median Family Income (MFI).

As part of the opt-in/opt-out process described in Section 5 below, a neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the median family income, to as low as 60 percent of the median family income.

10% of rental units at 80% MFI is the default affordability level unless a neighborhood recommends otherwise and Council approves the recommendation. A single affordability level applies to all VMU-eligible properties within the application area.

Eighty percent of the Median Family Income for a family of four in the Austin area is \$56,900.

NEIGHBORHOOD OPT-IN/OPT-OUT PROCESS

The Opt-In/Opt-Out process is a means by which individual neighborhoods may make recommendations on the location of VMU buildings, the availability of relaxed development standards, and affordable housing for VMU buildings within their boundaries and communicate their preferences to the Planning Commission and City Council. The final decision whether to accept, modify, or reject neighborhood requests rests with the City Council.

During this process neighborhoods have 90 days to provide recommendations on these issues. The issuance of notice from the City marks the beginning of this 90-day period. Planning Commission will review the recommendations, and the Council will act on them within 45 days of the 90 day deadline.

In areas with a Neighborhood Planning Team the Planning Team will be responsible for recommendations within the Neighborhood Planning area boundaries. In areas without a Neighborhood Planning Team the Director of the Neighborhood Planning and Zoning Department has defined "VMU Application Area" boundaries. Within the VMU Application areas the applicable neighborhood associations must work together to develop recommendations and submit a single opt-in/opt-out application.

WHERE CAN I FIND MORE INFORMATION ABOUT VMU?

Web: <http://www.ci.austin.tx.us/planning/designstandards.htm>

Phone: (512) 974-2150

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood organization that is within the planning area.

The proposed amendment will be reviewed and acted upon at two public hearings: by the Planning Commission and then, by the City Council.

The Planning Commission, after evaluating City staff's recommendation and public input, may recommend that the Council:

- approve the application as proposed;
- approve a more restrictive zoning classification than requested;
- approve the proposed or a more restrictive classification subject to conditions; or
- deny the application.

After a public hearing, the Council may:

- approve the application as proposed;
- approve a more restrictive zoning classification than requested;
- approve the proposed or a more restrictive classification subject to conditions; or
- deny the application.

For additional information on Neighborhood Plans, visit the website: www.ci.austin.tx.us/zoning/

If you use this form to comment, it may be submitted to:

City of Austin
Neighborhood Planning and Zoning Department
Minal Bhakta
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-06-0008.01

Contact: Minal Bhakta, 512- 974-6453

Public Hearings:

Planning Commission on June 26th, 2007

City Council on July 26th, 2007

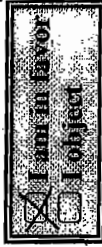
Gary Tharp
Your Name (please print)

2915 E. 12th ST Austin 78702
Your address(es) affected by this application

Gary Tharp Signature

6/11/07 Date

Comments:



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0041

Contact: Tina Bui, (512) 974-2755

Public Hearings:

June 26, 2007 Planning Commission

July 26, 2007 City Council



Gary Thorp
Your Name (please print)

2915 E 12th St.

Your address(es) affected by this application

[Signature]
Signature

5/24/07

Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Tina Bui, Zoning Case Manager

P. O. Box 1088

Austin, TX 78767-1088

(512) 974-6525 (fax)

PUBLIC HEARING INFORMATION

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Case Number: NPA-06-0008.01

Contact: Minal Bhakta, 512- 974-6453

Public Hearings:

Planning Commission on June 26th, 2007

City Council on July 26th, 2007

CATHERINE ROMAIN

Your Name (please print)

1185 Pandora, Austin, TX

Your address(es) affected by this application

Catherine L Romain 6-7-07

Signature

Date

Comments: I am opposed to changing

the zoning to allow for higher density

I feel the higher density increases

crowding, parking needs traffic, & reduces

open space, which provides a better

quality of living.

Please improve our neighborhood

responsibility - improve values, don't

lower grade.



PUBLIC HEARING INFORMATION

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Case Number: NPA-06-0008.01

Contact: Minal Bhakta, 512- 974-6453

Public Hearings:

Planning Commission on June 26th, 2007

City Council on July 26th, 2007

Dora L. Henderson

Your Name (please print)

1172 Branham St.

Your address(es) affected by this application

[Signature]

Signature

Date

6-26-07

Comments

Rezoning does not enhance
assist or add to those
that are currently living
in this zone.

